

Gaps in Human Rights Accountability at Borders

Report



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Introduction

The robust body of evidence collected by National Human Rights Institutions (NHRIs), civil society, journalists, and regional and international bodies demonstrates that serious human rights violations take place at European borders. On the one hand, this has sparked public attention and efforts to ensure human rights monitoring at borders. On the other hand, it has become clear that, while monitoring and reporting can be powerful tools, they need to be followed by actions that contribute to human rights accountability in its broader sense.

As demonstrated in ENNHRI's [Regional Report](#), European NHRIs have reported an overall climate of impunity at borders. Drawing on the experience and findings of European NHRIs, the present report identifies gaps in accountability at borders and some of their underlying causes. It serves as a starting point upon which NHRIs can build by exchanging practices and developing solutions for overcoming the identified gaps, as well as formulating recommendations to foster accountability at national and regional levels.

This report is part of ENNHRI's activities aimed at [shifting focus](#) from "monitoring" to "accountability" at borders, and builds on the [extensive work](#) carried out by NHRIs, individually and collectively through ENNHRI. It compiles and analyses information submitted by NHRIs mainly through responses from a targeted ENNHRI questionnaire, written and oral exchanges among members of ENNHRI's Asylum and Migration Working Group, and findings from NHRIs' [national reports](#).

ENNHRI seeks to contribute to a more comprehensive understanding of the main elements leading to the current insufficient accountability for violations at borders. This report complements recent publications that shed light on specific elements under the "border accountability" topic, such as on [human rights monitoring of border police practices](#), [the right to an effective remedy in the migration context](#), [access to justice for migrants](#), [legal actions available to migrants across specific migration routes](#), [non-judicial mechanisms for the accountability of Frontex](#), and [complaints mechanisms in border management and expulsion](#).

This report should also be read in light of the different legislative proposals currently pending at the EU level, which have raised concerns about their potential negative impacts on human rights protection and accountability, for instance [in relation to effective remedies](#) for asylum-seekers at the EU external borders.

The absence of effective, transparent, and well-functioning accountability systems contributes to a prevalence of human rights violations at borders. Understanding gaps is the first step in identifying solutions that contribute to human rights being respected at borders, ensuring that any violations are accounted for, and that future violations are prevented.

The situation at different European borders is not homogenous: while deficiencies in human rights protection and accountability can be observed across Europe, NHRIs reported varying levels of satisfaction with how accountability elements are ensured at different national borders. ENNHRI has found shortcomings in human rights accountability in five key areas which are presented below:

1. [Structural gaps](#)
2. [Gaps in investigation](#)
3. [Gaps in access to justice](#)
4. [Gaps in revision and prevention](#)
5. [Gaps in promoting a culture of rights](#)

Understanding human rights accountability at borders

Accountability is an essential component of the human rights framework. It has multiple dimensions, and has been [broadly understood](#) as the system that governs the relationship between “duty bearers” (actors who have an obligation or responsibility to respect, promote and realise human rights and to abstain from human rights violations) and “rights holders” (individuals or social groups that have entitlements in relation to duty-bearers).

Deficient or inexistent accountability is not an exclusive issue impacting on migrants’ rights at borders. In fact, broader shortcomings on human rights protection, such as in relation to effective and independent investigations of human rights violations, are widespread in Europe. However, independent oversight and public scrutiny over the situation at borders is particularly difficult as violations most often take place in remote or securitised areas.

Several actors have shed light on the concept of human rights accountability. The Office of the United Nations High Commissioner for Human Rights (OHCHR) [outlines](#) that accountability has mainly three dimensions: responsibility, enforceability, and answerability. In turn, when reflecting on the scrutiny of Frontex activities, the European Council on Refugees and Exiles (ECRE) [identifies](#) points pertaining to legal, democratic, administrative, and social accountability.

ENNHRI understands human rights accountability at borders in its broader sense. It reflects the unique position, role, and status of NHRIs in the human rights infrastructure, and is made up of by several elements, such as:

- **Monitoring and reporting at borders**, which needs to be fully independent and effective. ENNHRI has presented [detailed recommendations](#) on the functioning of monitoring mechanisms at borders. However, human rights monitoring is not an end in itself.
- **Existence of complaints mechanisms** that are accessible in practice for victims of violations at borders.
- **Independent investigations** carried out where allegations are received, which ensure victims can be heard, seek to identify perpetrators, and ensure appropriate consequences.
- **Access to justice** that is guaranteed in theory and in practice, in full respect of the right to an effective remedy and the possibility of redress for violations.

- **Revision** of practices, policies and legislation that are in contravention of human rights standards or contribute to violations being carried out at borders. This includes following-up and implementing the recommendations of NHRIs.
- **A culture of respect for human rights**, where national authorities responsible for border control and other actors at borders are trained on human rights, take their obligations seriously, and cooperate with Human Rights Defenders (HRDs).

In addition to being a principle to a human rights-based approach to border governance, several elements under accountability are [grounded in clear legal obligations](#) on Member States under national, EU and international law. Most notably, Article 13 of the European Convention on Human Rights (ECHR) and Article 47 of the EU Charter for Fundamental Rights impose positive obligations on states to, among others, ensure that a remedy must be effective in practice as well as in law in cases of alleged violations. The jurisprudence of the European Court of Human Rights (ECtHR) and Court of Justice of the European Union (CJEU) also shed light on the applicable standards in relation to legal remedies, complaints mechanisms and effective investigations, including at borders.

Human rights accountability is also [central to respecting the rule of law](#). These are mutually reinforcing principles: a strong regime of rule of law is vital to the protection of human rights, and the rule of law can only be fully realised in an environment that protects human rights.

Structural gaps

NHRIs have identified structural issues that make accountability harder to achieve at borders.

The first issue relates to **difficulties in ensuring continued monitoring** of the overall situation and of individual human rights violations at borders, which often occur in vast, remote, and securitised areas. Summary returns, collective expulsions, and violence are most often rapid events that take place without any oversight. That is not to say that detailed information on violations at borders is not available (quite the contrary, it has been vastly reported on by [NHRIs](#), [NGOs](#), [journalists](#) and [international actors](#)). However, difficulties in accessing information about events at borders can lead to obstacles in ensuring accountability.

Secondly, NHRIs reported that, at many European borders, there are **numerous actors involved in migration management** that often have overlapping competences. Where actors cooperate in border surveillance, screening procedures, reception or asylum procedures, a lack of clarity and transparency on the specific roles of the parties involved in joint work can lead to difficulties in determining responsibilities for violations.

For example, in Greece there are currently at least eight different actors working at the country's borders in different capacities, including the Hellenic Police, Hellenic Coastguard, Frontex, EASO, IOM, UNHCR, NGOs, and national civil servants. Although these actors cooperate or conduct joint missions, they are subject to different oversight and accountability systems. A lack of clear division of roles and responsibilities between these actors can make it difficult to determine the routes through which they can be held to account when violations occur.

From the point of view of migrants, the multiplicity of actors makes it difficult to identify which body they interacted with and on this basis, which they can turn to in order to hold the relevant duty-bearer to account in cases where their rights may have been violated. This issue was outlined by the Greek NHRI (Greek National Commission for Human Rights) in its [national report](#) on migrants' rights at borders.

The increasingly complex division of responsibilities and competences, coupled with the diversity of accountability regimes at borders, is also a challenge for NHRIs: they face

growing difficulties in analysing information and determining responsibility for possible violations at borders.

Additional questions were raised in relation to the increasingly prominent role at borders of Frontex and the European Asylum Support Office (EASO) / the future European Union Agency of Asylum (EUAA), as [recent legislative amendments](#) increase their operational presence and powers on the ground, via the deployment of border management teams (Frontex) and asylum support teams (EASO/EUAA). For example, the difficulty in establishing responsibility for wrongdoings by Frontex and in the context of joint missions with Member States has been outlined by [ECRE in a recent policy paper](#).

Thirdly, the cross-border nature of violations mean that **victims are often no longer in the same jurisdiction where violations took place**. Without access to the territory, victims struggle to reach the appropriate channels necessary to hold duty-bearers to account. This is particularly the case when migrants are subjected to pushbacks or collective expulsions, as victims are no longer in the territory or jurisdiction of the state, and most likely will lack access to the legal services and civil society that can link them to bodies capable of investigating, attributing responsibility, and providing redress.

The above is also a challenge for NHRIs when collecting and analysing information at borders, as they might receive information from migrants regarding misconduct and alleged violations perpetrated by national authorities of third countries, which would fall outside the scope of their national mandate. Therefore, cooperation among human rights monitors on both side of the borders can contribute towards accountability.

Another structural gap identified by NHRIs concerns the **legal basis under which some border management cooperation** between neighbouring countries takes place, for instance under bilateral agreements, technical arrangements, or memoranda of understanding. These instruments are usually subjected to little scrutiny (of national parliaments, NHRIs or civil society organisations) and are difficult to challenge, even when they are thought to contribute or result in human rights violations at borders.

For example, The French NHRI (French National Consultative Commission on Human Rights) highlighted in its [national report](#) that the situation of migrants at the Franco-British border is complicated in part due to bilateral agreements and administrative arrangements between the two states on migration policy. It has [critiqued](#) the lack of possibility for public scrutiny of these arrangements.

Additionally, a bilateral agreement between the Republic of Slovenia and Republic of Croatia allows for returns of irregularly staying migrants without the obligation to issue a return decision. The Slovenian NHRI (Human Rights Ombudsman of the Republic of Slovenia) has highlighted in their [national report](#) that reliance on the bilateral agreement to transfer individuals to the security authorities of another country, without written reasoning, impedes access to effective legal remedies and raises concerns regarding the principle of non-refoulement.

In some cases, bilateral agreements or missions deployed by Frontex result in border authorities from one country **operating outside of their own territorial jurisdiction, for example during joint patrols**. This can further fragment oversight and the attribution of responsibility.

Gaps in investigation

NHRIs have identified that there is a gap between the information regarding violations of migrants' collected rights at borders, and the corresponding investigations which are necessary to ensure accountability. In a recent survey by ENNHRI, NHRIs highlight that while in theory there are procedures for complaints and investigations to take place, **in practice very few investigations are carried out.**

One of the difficulties in initiating and conducting investigations following allegations of human rights violations at borders is the **difficulty in attaining material or documented evidence.** Often, migrants' testimonies alone are unable to meet the threshold required to trigger or sustain a formal investigation. Investigations often rely on testimonies from migrants in an extremely vulnerable position that may struggle to provide the necessary level of detail to initiate and support the investigation. Concurrently, external information is scarce due to the monitoring challenges identified above.

In cases where individuals are intercepted and informally returned to a neighbouring state, they are often not registered as having entered the territory nor issued a return decision – thus, there is no record of their interaction with state authorities. Similarly, when individuals are denied the right to access asylum procedure, the denial is often not recorded by authorities, or information recorded does not coincide with the allegations put forward by migrants.

In order to substantiate claims of violence, medical examinations are important as they can help link injuries to the alleged conduct of the authorities. It is well [documented](#) that there is insufficient or inexistent access to medical care for migrants at borders, making the medico-legal reporting needed to assign responsibility for violence to a duty-bearer very difficult. Without medical documentation, authorities often argue that injuries cannot be confirmed or attributed to them.

Based on reporting by civil society and NHRIs, some national authorities also purposefully make gathering evidence and identifying perpetrators more difficult. In many cases, **perpetrators take precautions to conceal their identity and avoid evidence being collected** by hiding identification tags, wearing balaclavas, and confiscating phones and other devices that could be used to record evidence of the violation. The French NHRI has [reported](#) that police authorities use dissuasive measures such as excessive security perimeters to prevent human rights observers, whether civil society organisations or

journalists from witnessing and monitoring evacuation operations that are sometimes accompanied by excessive use of force.

States have the obligation to conduct thorough investigations based on the analysis of [all relevant elements](#). However, even in cases when investigations are initiated, **authorities often lack the willingness to gather and assess all the available evidence**. For example, in a recent [judgment](#) of the European Court of Human Rights (ECtHR), the Court found that in investigating the death of a child following a pushback from Croatia to Serbia, Croatian investigative authorities, including the Ministry of Interior, State Attorney's Office and the judiciary failed to secure and consider crucial evidence including the recordings of thermographic cameras, the locations of the police and migrants based on telephone signals, and the GPS locations of police vehicles.

Police and law enforcement agencies performing border control and surveillance activities have internal oversight mechanisms responsible for handling cases of violations of human rights. These bodies are often the first to handle allegations against law enforcement at borders. The OSCE has [recognised](#) the need for strong internal mechanisms to be in place to ensure adherence to codes of conduct and rules of procedures. [Accountability through internal oversight](#) is dependent on integrity within the chain of command, a leadership committed to tackling misconduct, and a well-functioning disciplinary system.

Reports that there is consent, support or negligence by the police hierarchy for violations at borders can **call into question the independence and effectiveness of internal investigations**.

For example, the effectiveness of investigations by the Croatian Internal Control Service (ICS) of the Ministry of Interior into ill-treatment of migrants has been [criticised](#) by the European Committee for the Prevention of Torture (CPT). In examining the files for twelve cases investigated by the ICS on the basis of letters received from the Croatian NHRI, the CPT found evidence of an attempt to conduct a thorough investigation in only two cases. In the remaining ten cases, authorities failed to demonstrate any fact-finding investigative action.

The legitimacy and effectiveness of internal investigations comes into question where there are indications that the systematic violation of rights at borders is a top-down instruction from the leadership that forms part of the migration management policy. Indications that the practice of pushbacks was an instruction from the police hierarchy were [reported](#) to the Croatian NHRI by a police whistle blower.

Gaps in access to justice

Where violations occur, victims of human rights violations must have the possibility to submit complaints and institute proceedings before an independent body. The right to effective access to justice is [firmly grounded](#) in the ECHR and EU Charter. It is also considered a general principle of EU law. In view of its broad nature, access to justice has been [understood](#) to include four main elements: (1) effective access to courts; (2) costs of justice and legal assistance; (3) access to a fair trial; and (4) enforcement of judgments.

Gaps in access to justice are an issue across Europe, and disproportionately impact certain groups, such as migrants at borders.

European NHRIs report that one of the most common reasons for which individual victims do not report human rights violations is due to a **lack of awareness or understanding of the process** through which they can submit complaints and access justice. Efficient and adequate [access to information](#) is [decisive for migrants](#) to effectively access legal remedies. ENNHRI has [highlighted](#) that access to information is a gateway right, intrinsic to the fulfilment of many other rights, and has provided specific recommendations to bridge theory and practice.

The **quantity and quality of information available to migrants** varies on the context in which they interact with authorities. Migrants in reception centres or in immigration detention centres often have more access to informational leaflets and posters; on the contrary, where migrants are in contact with authorities in remote areas or are subject to summary returns, they may never have access to information about their substantive rights or procedural safeguards available to them, or of authorities they can resort to in case they believe their rights have been breached.

Where migrants receive information in a position of vulnerability such as during pre-return detention, they may not be in a position to fully understand and meaningfully assimilate the information. For instance, NHRIs reported that migrants who are detained are often only given information about their rights to access justice when they are first brought into the detention centre, despite this being a time when they are receiving a large amount of information and are subject to stressful processes. In addition, migrants detained for short periods may lack the time and space to fully absorb the information given by authorities. This also raises questions regarding the quality of the information and the extent of

authorities' **willingness to ensure information is tailored to the needs and circumstances of the individuals concerned.**

Additionally, **the psychological impact of migrants' journeys to Europe can impact their willingness and readiness to engage in accountability processes**, which can be time-consuming and difficult, especially without proper support. Victims are expected to describe in detail the time and place of the alleged violation, and the precise circumstances and ways their rights were violated, which can be a traumatising experience. NHRIs report that victims of violations often need to prioritise their immediate needs of stay or integration into a new country, over seeking accountability for a violation of their rights, especially where there is a **lack of trust in the independence or effectiveness of the available mechanisms for redress or a fear that engaging with the accountability system will lead to reprisals or retaliation.**

The insufficient efforts of national authorities to overcome language and cultural barriers often prevent migrants from meaningfully receiving information on their rights and complaints mechanisms. This is compounded by a **lack of interpretation services and poor translation of information.** For instance, the Czech Public Defender highlighted that, even when translations of key information were provided, they were not always well-translated and understandable to the migrants they addressed. Additionally, in detention centres migrants often form cultural bubbles, and due to language barriers with centre staff, rely on information passed around the cultural communities. This has led to cases of misinformation that prevent migrants from genuinely understanding routes to access justice.

Where there are linguistic, cultural or social barriers to migrants' understanding of their right to effective access to justice, legal assistance is crucial to realising redress for human rights violations. The right to legal aid is recognised as a key safeguard to ensure fundamental rights in practice and a vital component of the right to an effective remedy. ECRE has [provided](#) an overview of obstacles to legal aid for migrants, relating to lawyers' lack of access to border facilities, quality of legal assistance, and the short time-frames applicable in border procedures, among others.

The EU Fundamental Rights Agency (FRA) has [found](#) that in most EU countries, migrants are not informed of their right to access legal aid by authorities. This **gap in information about legal aid** prevents individuals from interacting with accountability channels in a meaningful way. Where judicial procedures are necessary, financial costs can be high, and in many cases, migrants lack the financial resources to pursue judicial routes to accountability.

NHRIs across Europe have identified **challenges to obtaining quality legal assistance and legal aid at borders**. For example, the Spanish NHRI (Defensor del Pueblo) has [observed](#) that, in cases of increased arrivals, authorities justify their failure to ensure quality legal assistance to migrants due to a sense of emergency or need to ensure an efficient migration governance. The NHRI reported cases in which legal representatives were not permitted to access facilities or, when granted access, failed to provide personalised assistance or hold private conversations with clients.

Deficiencies in access to quality legal aid and interpretation have a particularly detrimental impact on vulnerable individuals. For instance, the Spanish NHRI has [highlighted](#) the need for social and legal triage and in-depth individual assessment for potentially vulnerable individuals, which requires sufficient access to information and legal assistance. As a result, the NHRI has reported that children, women in vulnerable situations, and individuals with international protection needs have been identified at facilities unsuited to meet their needs, contrary to relevant standards on detention and reception conditions.

Gaps in revision and prevention

A robust accountability system should also have a preventive effect. In other words, it should reduce the risk of human rights violations reoccurring, including where necessary through the revision of practices, policies, and legislations.

European NHRIs regularly monitor, report, and issue recommendations to authorities regarding the situation of migrants' rights at borders. Their human rights expertise allows them to identify structural issues that result in or contribute to violations, and they identify measures that national authorities should take to respect, protect, and fulfil human rights.

According to a recent survey by ENNHRI, most respondents report that the **recommendations of NHRIs are often not followed-up on or are only partially implemented**. This is a broader issue affecting human rights protection at national level, as identified in ENNHRI's [2021 Regional Rule of Law Report](#). In some cases, due to the politicisation of migration in many European countries, governments are particularly reluctant to implement NHRIs' recommendations in relation to human rights at borders.

Among many examples, the French NHRI (French National Consultative Commission on Human Rights) [reported](#) that its "recommendations related to the human right of migrants at the borders have not been considered with much attention by relevant authorities", despite on-site visits and repeated concerns in relation to the Franco-Italian and Franco-British borders.

The Recommendation of the Council of Europe Committee of Ministers on NHRIs ([2021/1](#)) reaffirmed that states "should implement the recommendations of NHRIs and are encouraged to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame".

In addition to recommendations by NHRIs and other Human Rights Defenders, there is also **poor implementation by relevant authorities of decisions by national and regional courts**. For example, the Slovenian NHRI has reported that the Slovenian Supreme Court found on a case that national authorities had committed a violation for their involvement in the chain pushback of a Cameroonian asylum seeker, resulting in the Supreme Court ordering the state to arrange for the individual's re-entry and access to asylum procedure in Slovenia. Despite the ruling, the authorities failed to implement the judgment for

months, and the individual concerned was forced to undertake another uncertain and dangerous irregular journey to re-enter the country.

The lacking or poor implementation of judicial decisions not only contributes to repeated human rights violations, even of absolute rights such as the prohibition of torture and ill-treatment, but it is also a serious concern for the rule of law.

The ECtHR has developed [extensive case-law](#) concerning asylum and migration, and the execution of relevant judgments continues to be poor, even if good practices [can be identified](#). The Council of Europe Committee of Ministers has [reported](#) serious ongoing challenges to the execution of Court judgments relating to the broader issue of ill-treatment by state authorities and the failure to investigate misconduct. In addition to respecting specific measures relating to complainants of a case, states should also implement reforms where needed in order to tackle systemic deficiencies.

For example, the French NHRI has reported on the lack of sufficient implementation of decisions by the ECtHR regarding violations Article 3 ECHR by the French authorities in cases of poor, inadequate, or inexistent reception conditions for asylum seekers. Despite strong rulings, the French NHRI highlights that the state repeatedly fails to implement the Court decisions and to change its policy towards migrants accordingly.

Gaps in promoting a culture of rights

The culture of impunity for human rights violations by state authorities has been [recognised](#) as a broader issue beyond borders. Indeed, this is mirrored in the recent survey by ENNHRI, in which European NHRIs identified that the lack of accountability for human rights violations by the police exists beyond the border context and is symptomatic of **wider problems with accountability for police actions and the lack of a human rights culture in law enforcement authorities**. A police culture where misconduct is concealed and tolerated contributes to continued human rights violations. Myria, the Belgian Federal Migration Centre, has reported that there is often insufficient attention to human rights within police services, for instance the handling of complaints of ill-treatment by police is often not a priority and complaints rarely lead to convictions or disciplinary actions against the officers involved.

At the same time, a lack of accountability for violations of human rights at the border may have **an overall long-term negative impact on the police culture** and nurture non-compliance with human rights that stretches beyond the border. Where violence against and mistreatment of migrants is accepted at borders, over time, the culture of impunity may carry the risk that violations in other spheres of policing will be tolerated and violence against other members of society becomes normalised.

Instructing police and other authorities to carry out human rights violations at borders, as well as allowing for an environment that is conducive to violations taking place can also have a negative impact on the well-being of law enforcement authorities. NHRIs have raised concerns about the rights and working conditions of those working at borders. At the same time, a lack of protection for whistle-blowers discourages individuals working within national authorities, police or within the chain of command from coming forward when they witness human rights violations. There is a risk that border authorities who are trying to work in a human rights-compliant way will either move away from the profession or be removed from their positions if they speak up. This could result in a **police system that fails to take human rights seriously**, both in cases of migrants' rights at borders and more widely.

Human rights training for authorities encourages a culture of respect for human rights. Based on the recent ENNHRI survey, most European NHRIs reported that border police authorities received at least some human rights training; however, this **training was often not sufficiently strong** and did not adequately equip border authorities with an

understanding of the ways that theoretical human rights frameworks apply in practice. This was [found](#) also at the regional level regarding Frontex and its responsibility to provide fundamental rights training to European border guards.

For example, the Spanish NHRI has [reported](#) that due to a lack of resources at the Asylum and Refugee Office, police officers have been involved in conducting initial asylum interviews; however, they do so without any mandatory specialist training. The NHRI has stated that the significant number of officers involved in conducting initial interviews without specialist training seriously compromises the way the procedure is carried out.

Authorities themselves have recognised the need for stronger human rights training. For example, the Latvian NHRI (Ombudsman's Office of the Republic of Latvia) reported that internal investigative bodies have indicated that they require further training in order to tackle issues resulting from the likely increase in investigations after the rising number of migrants arriving in the country.

Strong and continued training helps ensure that human rights violations are prevented and that, where they occur, authorities on the ground, such as border police, are equipped with the knowledge to facilitate access to relevant accountability systems. A **weak understanding of human rights obligations** on the part of authorities contributes to a culture where human rights are not prioritised, and complaints are unable to reach the correct channels to ensure accountability.

Human rights defenders (HRDs), such as NHRIs and civil society organisations (CSOs), contribute to a culture of rights by promoting respect for human rights across different political and social contexts. They play a crucial role in linking victims to the necessary accountability systems, collecting testimony of violations, and supporting victims in filing complaints and triggering investigations.

Despite their key role in contributing to human rights protection and accountability at borders, NHRIs have [alerted](#) to a **shrinking civic space and crackdown on HRDs at borders**, for instance through administrative and regulatory frameworks to limit NGOs from providing humanitarian and legal assistance to migrants. Undue restrictions and sanctions against human rights defenders working with migrants have been [recorded](#) across Europe. In some countries, NHRIs themselves have faced threats, a lack of cooperation, and a disregard for their legal mandate by national authorities. This is in line with broader issues raised by NHRIs in ENNHRI's [2021 Regional Rule of Law Report](#). Such restrictions limit the essential support that migrants need in order to navigate complex migration systems and accountability processes.

Case study: accountability issues at the EU's Eastern Borders

A recent illustrative case in relation to accountability gaps at borders is the current situation at the EU's Eastern Borders with Belarus. ENNHRI has released a [statement](#) on the issue, which reiterates the findings, concerns, and recommendations of its members, particularly the NHRIs in Poland (Polish Commissioner for Human Rights), Lithuania (Lithuanian Seimas Ombudsmen's Office), and Latvia (Ombudsman's Office of the Republic of Latvia).

In addition to human rights concerns (reports of indiscriminate and disproportionate use of violence, systematic denial of the right to asylum, inhuman and degrading treatment, pushbacks, and even deaths), the exceptional measures applied at borders (heavy deployment of army personnel with extended powers, limitations in freedom of movement and of information in the region, and the removal of humanitarian and healthcare support) result in a significant restriction to the possibility of human rights defenders and journalists to monitor and report on what happens at borders.

This case study is an example of how actions can have a serious impact on the already fragile environment for human rights protection and accountability at borders.

Conclusion

Significant gaps in human rights accountability and an overall climate of impunity can be observed across Europe's borders. While there are important national specificities to consider, the absence of effective and functioning accountability systems has contributed to a prevalence of human rights violations in the region. Accountability cannot be merely theoretical: states must ensure that migrants are able to resort to it in practice.

Ensuring accountability at borders requires political will and proactivity of national authorities to address several deficiencies, such as in relation to collecting information at borders; the accessibility, effectiveness, and independence of investigative authorities; access to information and legal assistance for migrants; revision of legislation, policy and practice; and restoring a culture of rights, among others. Additionally, EU institutions, including the EU Parliament and Commission have an important role to play in exercising effective oversight and holding states to account where they derogate from their legal obligations. EU co-legislators must also ensure that legislative and policy proposals contribute to ensuring human rights accountability at borders, and not to widening existing or creating new gaps.

As evidenced in ENNHRI's [Regional Report](#), European NHRIs have noted with alarm how different governments have gradually dismantled protection-sensitive asylum and border systems, notably through restrictive legal and policy changes. Added to the gaps identified in this report, our findings call for urgent attention from national and regional authorities and the need to carry out reforms that contribute to human rights protection and accountability at borders.

The findings of this report will serve as basis for further exchange among NHRIs and other partners, leading to recommendations for filling these gaps.



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